

THURSDAY, MAY 8, 1997

FORTIETH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Jonathan Clark, Winchester Cumberland Presbyterian Church, Winchester, Tennessee.

Representative Fraley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 207: Rep(s). Ferguson as prime sponsor(s).

House Joint Resolution No. 253: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 254: Rep(s). Hood and Eckles as prime sponsor(s).

House Joint Resolution No. 255: Rep(s). Hood and Eckles as prime sponsor(s).

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- House Joint Resolution No. 256:** Rep(s). Hood and Eckles as prime sponsor(s).
- House Joint Resolution No. 257:** Rep(s). Hood and Eckles as prime sponsor(s).
- House Joint Resolution No. 258:** Rep(s). Hood and Eckles as prime sponsor(s).
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- House Joint Resolution No. 261:** Rep(s). Hood and Eckles as prime sponsor(s).
- House Joint Resolution No. 262:** Rep(s). Hood and Eckles as prime sponsor(s).
- House Joint Resolution No. 267:** Rep(s). Tidwell as prime sponsor(s).
- House Bill No. 32:** Rep(s). L. DeBerry, Eckles and U. Jones as prime sponsor(s).
- House Bill No. 460:** Rep(s). Turner (Hamilton) as prime sponsor(s).
- House Bill No. 700:** Rep(s). Ferguson, Patton, Ford and Walker as prime sponsor(s).
- House Bill No. 1413:** Rep(s). S. Jones, Langster, Brooks, Beavers and Bowers as prime sponsor(s).

MESSAGE FROM THE SENATE

May 8, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 247 and 248; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Cheryl Lynne Cathey, Valedictorian, Ezell Harding. by *Rochelle.

Senate Joint Resolution No. 248 -- Memorials, Academic Achievement - Roy Bennett Osborne III, Salutatorian, Ezell Harding School. by *Rochelle.

MESSAGE FROM THE SENATE

May 8, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 235, 237, 238, 239 and 240; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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Senate Joint Resolution No. 235 -- Memorials, Public Service - Members of Uniform Probate Code study committee. by *Kyle, *Fowler.

Senate Joint Resolution No. 237 -- Memorials, Personal Occasion - Ruth Greenwood, ninetieth birthday. by *Rochelle.

Senate Joint Resolution No. 238 -- Memorials, Death - Dr. Shelby Turner and Flossie Turner. by *Davis L.

Senate Joint Resolution No. 239 -- Memorials, Interns - Brandon Bradshaw Cate. by *Person.

Senate Joint Resolution No. 240 -- Memorials, Professional Achievement - Frank Bluestein, Germantown High School, American Teacher Award in Performing Arts. by *Person, *Leatherwood.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 12, 1997:

House Resolution No. 76 -- Memorials, Retirement - Dr. Ken Story. by *Scroggs.

House Joint Resolution No. 278 -- Memorials, Retirement - Robert L. Wilkinson, Mayor of Portland. by *McDonald.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 12, 1997:

Senate Joint Resolution No. 225 -- Memorials, Death - Attorney General David M. Pack. by *Henry, *Haynes, *Cohen, *Atchley, *Koella, *Rochelle, *Herron, *Davis L, *Harper.

Senate Joint Resolution No. 227 -- Memorials, Professional Achievement - Roger Crouch, Payload Specialist, Space Shuttle Columbia. by *Davis L, *Burks.

Senate Joint Resolution No. 228 -- Memorials, Sports - Eric Bachelor, Martin Westview boys' basketball player. by *Herron.

Senate Joint Resolution No. 229 -- Memorials, Sports - 1996-1997 Sharon High School boys' basketball team, TSSAA Class A state tournament participant. by *Herron.

Senate Joint Resolution No. 235 -- Memorials, Public Service - Members of Uniform Probate Code study committee. by *Kyle, *Fowler.

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Senate Joint Resolution No. 237 -- Memorials, Personal Occasion - Ruth Greenwood, ninetieth birthday. by *Rochelle.

Senate Joint Resolution No. 238 -- Memorials, Death - Dr. Shelby Turner and Flossie Turner. by *Davis L.

Senate Joint Resolution No. 239 -- Memorials, Interns - Brandon Bradshaw Cate. by *Person.

Senate Joint Resolution No. 240 -- Memorials, Professional Achievement - Frank Bluestein, Germantown High School, American Teacher Award in Performing Arts. by *Person, *Leatherwood.

Senate Joint Resolution No. 247 -- Memorials, Academic Achievement - Cheryl Lynne Cathey, Valedictorian, Ezell Harding. by *Rochelle.

Senate Joint Resolution No. 248 -- Memorials, Academic Achievement - Roy Bennett Osborne III, Salutatorian, Ezell Harding School. by *Rochelle.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1997 -- Tipton County - Subject to local approval, effective Septemeber 1, 1998, sets annual compensation of general sessions judge same as provided by law for chancellors and circuit court judges Amends Chapter 193 of the Private Acts of 1951, as amended. by *Naifeh.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 645 -- Courts - Makes certain changes to allow for addition of in-house collection procedure to collect fines, litigation taxes, and costs. Amends TCA Title 40, Chapter 24. by *Person. (*HB394)

***Senate Bill No. 826** -- Metropolitan Government - Authorizes creation of charter commission by petition signed by 20 percent of voters in county. Amends TCA Title 7, Chapter 2. by *Rochelle. (HB1209)

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***Senate Bill No. 1093** -- Adoption - Reduces from the fourth to the third day of the child's life in which surrender or parental consent is valid; authorizes court to waive waiting period for good cause. Amends TCA Title 36, Chapter 1. by *Rochelle. (HB1027)

***Senate Bill No. 1368** -- Pardons and Paroles - Defines "family" for purposes of Tennessee being receiving state under interstate compact for out-of-state parole and probation supervision; requires family member with whom probationer or parolee to reside to be resident of Tennessee for three years; requires probationer or parolee to reside with family member at least one year; requires application of transfer of supervision to this state be denied if probationer or parolee residing in this state prior to approval of application by this state. Amends TCA Title 40, Chapter 28. by *Rochelle. (HB758)

***Senate Bill No. 1369** -- Sexual Offenses - Requires probationer or parolee convicted of certain sexual offenses applying for transfer of supervision to this state under interstate compact for parole and probation supervision to provide TBI with biological specimen for DNA analysis prior to approval of application Amends TCA Title 40, Chapter 28. by *Rochelle. (HB757)

Senate Bill No. 1972 -- School Districts, Special - Sets June 1997 as time of election of board of trustees of Kenton Special School District instead of August 1998 to coincide with Kenton city elections. Amends Chapter 84 of the Public Acts of 1947. by *Carter. (HB1965)

Senate Bill No. 1996 -- Kingston Springs - Subject to local approval, enacts "Kingston Springs Municipal Adequate Facilities Tax.". by *Kurita. (HB1991)

Senate Bill No. 1997 -- Pegram - Subject to local approval, enacts "Pegram Municipal Adequate Facilities Tax.". by *Kurita. (HB1992)

Senate Bill No. 1998 -- Ashland City - Subject to local approval, enacts "Ashland City Municipal Adequate Facilities Tax.". by *Kurita. (HB1990)

Senate Bill No. 2001 -- Manchester - Subject to local approval, revises charter. Amends Chapter 273 of the Private Acts of 1959, as amended. by *Burks. (HB1994)

**REPORT OF DELAYED BILLS COMMITTEE
May 8, 1997**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 1986.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

REPORTS FROM STANDING COMMITTEES

The committees that met on **May 8, 1997**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 12, 1997**: House Bill(s) No(s). 1480, 1128, 1964 and 986.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 12, 1997**: House Bill(s) No(s). 1362 and House Joint Resolution(s) No(s). 132.

CONSENT CALENDAR

House Resolution No. 64 -- Naming and Designating - "Tennessee Osteoporosis Prevention Week," May 11-17, 1997. by *Pruitt.

House Resolution No. 74 -- Memorials, Recognition and Thanks - Perry Link. by *Rhinehart.

House Joint Resolution No. 251 -- Memorials, Personal Achievement - Paul M. Ross, Eagle Scout. by *Pleasant, *Hargett, *Haley.

House Joint Resolution No. 252 -- Memorials, Sports - Soddy-Daisy High School cheerleading squad, Cheerleaders of America national champions. by *Stulce.

House Joint Resolution No. 253 -- Memorials, Academic Achievement - Jonathan Harmon, Salutatorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 254 -- Memorials, Academic Achievement - Nikolaus Jordan, Valedictorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 255 -- Memorials, Academic Achievement - Steven Miller, Valedictorian, Smyrna High School. by *Beavers.

House Joint Resolution No. 256 -- Memorials, Academic Achievement - Robert Calloway Renegar, Salutatorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 257 -- Memorials, Academic Achievement - Dana Marie Overman, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 258 -- Memorials, Academic Achievement - Jonathan Arthur Carlson, Valedictorian, Riverdale High School. by *Beavers.

House Joint Resolution No. 259 -- Memorials, Academic Achievement - Andrew Robert Schnell, Valedictorian, Riverdale High School. by *Beavers.

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House Joint Resolution No. 260 -- Memorials, Academic Achievement - Carol Ashley Loflin, Valedictorian, Oakland High School. by *Beavers.

House Joint Resolution No. 261 -- Memorials, Academic Achievement - Larry Ezzelle, Valedictorian, Oakland High School. by *Beavers.

House Joint Resolution No. 262 -- Memorials, Academic Achievement - Alex Brown, Valedictorian, Oakland High School. by *Beavers.

House Joint Resolution No. 266 -- Memorials, Interns - Gregory E. Barker. by *Whitson, *Newton, *Hicks, *Walker, *Patton.

House Joint Resolution No. 267 -- Memorials, Sports - Wayne County High School, 1995-1996 TSSAA A.F. Bridges award. by *White.

House Joint Resolution No. 268 -- Memorials, Sports - 1996-1997 Lewis County High School boys' basketball team. by *White.

House Joint Resolution No. 270 -- Memorials, Public Service - Lois Winston, The Community Resource Center and Alive Hospice "Volunteer of the Week.". by *Langster, *Pruitt, *Naifeh, *Armstrong, *West, *Jones U (Shelby), *Jones, S., *DeBerry L, *Kisber, *Boner.

House Joint Resolution No. 271 -- Memorials, Academic Achievement - Tiffanie Sadler, Salutatorian, LaVergne High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 273 -- Memorials, Academic Achievement - Jessica Porter, Valedictorian, LaVergne High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 274 -- Memorials, Academic Achievement - Adam Wallace, Valedictorian, Eagleville High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 275 -- Memorials, Academic Achievement - Clint Carlin, Valedictorian, LaVergne High School. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 276 -- Memorials, Academic Achievement - Joseph Ash, Salutatorian, Eagleville High School Salutatorian. by *Beavers, *Eckles, *Hood.

House Joint Resolution No. 277 -- Memorials, Academic Achievement - Michael Welch, Salutatorian, LaVergne High School. by *Beavers, *Eckles, *Hood.

Senate Joint Resolution No. 206 -- Naming and Designating - "Marguerite Henry Day," April 13, 1997. by *Jordan.

Senate Joint Resolution No. 221 -- Memorials, Public Service - Will T. Cheek, former Chairman of Tennessee Democratic Party. by *Haynes, *Henry, *Rochelle, *Womack, *Dixon, *Harper, *Herron, *Cohen.

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Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 1519** -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by *Rhinehart. (SB1714 by *Atchley)

Further consideration of House Bill No. 1519, previously considered on May 1, 1997, and reset to today's Calendar.

Rep. Rhinehart moved that House Bill No(s). 1519 be reset for the Regular Calendar on Thursday, May 15, 1997, which motion prevailed.

***House Bill No. 258** -- Pensions and Retirement Benefits - Clarifies definition of police officer who is employee of local government participating in TCRS as person trained and actively engaged in law enforcement. Amends TCA Title 8, Chapters 34 - 37. by *Rhinehart. (SB380 by *Atchley)

Rep. Rhinehart moved that House Bill No. 258 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Council on Pensions and Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 258 by deleting the directory and amendatory language in Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-36-205, is amended by adding the following new subdivision at the end thereof:

(4) Notwithstanding any provision of the law to the contrary, no member in Group 1 shall be mandatorily retired under the provisions of this section prior to July 1, 1998. This subsection shall not be construed to render ineffectual the mandatory retirement of any Group 1 member occurring prior to the effective date of this act.

Rep. Rhinehart moved to amend as follows:

Amendment No. 1 to Amendment No. 1

AMEND House Bill No. 258 by deleting from Amendment Number 1 to the printed bill all the directory and amendatory language in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-36-205, is amended by adding the following new subdivision at the end thereof:

(4) Notwithstanding any provision of the law to the contrary, no member shall be mandatorily retired under the provisions of this section prior to July 1, 1998. This subsection shall not be construed to render ineffectual the mandatory retirement of any member occurring prior to the effective date of this act.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways & Means Committee Amendment No. 2 to Amendment No. 1.

On motion, Amendment No. 1, as amended, was adopted.

Rep. Rhinehart moved that **House Bill No. 258**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson,

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Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 795 -- Hospitals and Health Care Facilities - Permits commitment by CON applicant to participate or not participate in state or federal health care program to be a lawful condition for approval of CON. Amends TCA Title 68, Chapter 11. by *Rhinehart. (*SB364 by *Cooper)

Rep. Rhinehart moved that House Bill No. 795 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 795 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 68-11-121(f)(1), is amended by deleting the date "June 30, 1997" and substituting the date "July 1, 1998".

Section 2. Tennessee Code Annotated, Section 68-11-121(f)(1) is amended by deleting the final sentence and by substituting instead: "Between July 1, 1997 and June 30, 1998 no more than one hundred twenty-five (125) Medicare SNF beds shall be authorized for applicants filing during such time for a certificate of need issued pursuant to this subsection".

Section 3. Tennessee Code Annotated, Section 68-11-121(f)(2), is deleted in its entirety and the following substituted therefore:

(2) Applications for Medicare SNF beds under this subsection shall be reviewed by the department and considered by the commission pursuant to Tennessee Code Annotated, Section 68-11-108 rather than Tennessee Code Annotated, Section 68-11-121(a)-(d).

Section 4. Tennessee Code Annotated, Section 68-11-121(f)(3), (4) and (5) are deleted.

Section 5. Tennessee Code Annotated, Section 68-11-121(g), is amended by deleting the existing language and substituting the following:

(g) During the time this section is in effect its provisions shall apply to all changes in number of licensed nursing home beds except those included in subsection (f). The provisions of Tennessee Code Annotated, Section 68-11-106(b) permitting expansion of existing licensed nursing homes by the lesser of ten (10) beds or ten percent (10%) shall not apply during such time. It is provided, however, that up to one hundred twenty-five (125) new nursing home beds shall be approved by the commission without requiring a certificate of need in accordance with the following:

(1) All existing licensed nursing homes, except those licensed after May 15, 1996 and those who expanded through the ten (10) bed/ten percent (10%) provision and which expansions were licensed after May 15, 1996, shall be eligible to notify the commission of their desire to increase their total number of licensed nursing home beds by the lesser of ten (10) beds or ten percent (10%) of the total number of licensed beds in the facility.

(2) The commission, in an open meeting, shall by random drawing approve expansions without a certificate of need under this provision, not to exceed one hundred twenty-five (125) beds in total.

(3) On or about July 1, 1997, the commission shall notify all nursing homes of the opportunity to participate in the random drawing of they qualify under subdivision (1) and that a letter stating a desire to participate and stating the number of beds desired must be received by the commission no later than sixty (60) days from the date of the notice by the commission. No fee shall be charged to a facility for participation in this process.

(4) It shall be the responsibility of the nursing home to insure that the commission has actually received, within the time specified, a letter expressing a desire to expand.

(5) All expansions without certificate of need under this provision shall be licensed within one (1) year of the commission's approval under subdivision (2). No extensions of time shall be authorized or granted.

Section 6. Tennessee Code Annotated, Section 68-11-121, is further amended by adding a new subsection at the end to read as follows:

"() The provisions of this section shall expire automatically on July 1, 1998."

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Section 7. Tennessee Code Annotated, Section 68-11-121(f), is amended by adding a new subdivision at the end of the existing language to read as follows:

"() If the pool of one hundred twenty-five (125) Medicare SNF beds created by subdivision (f)(1) is not depleted prior to the deadline established by that subdivision, the beds remaining in such pool shall be considered to be available to applicants who apply before the deadline even though review may occur after the deadline."

Section 8. If any provision of this act or the application thereof to any person or circumstance is finally adjudicated to be in violation of any federal statute or constitutional provision and for that reason is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 9. The provisions of Section 6 of this act shall be effective upon becoming a law, the public welfare requiring it. The remaining provisions of this act shall take effect on July 1, 1997.

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved that **House Bill No. 795**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

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***House Bill No. 629** -- Private Protective Services - Revises possible fines for violations of private protective laws from \$5,000 to \$2,000; requires training to be conducted within 60 rather than 30 days of hire; authorizes unarmed security guards to carry mace. Amends TCA Title 62, Chapter 35, Part 1. by *Garrett. (SB1405 by *Henry)

Rep. Garrett moved that House Bill No(s). 629 be reset for the Regular Calendar on Monday, May 12, 1997, which motion prevailed.

***House Bill No. 460** -- Funeral Directors and Embalmers - Requires funeral directors and embalmers to obtain ten hours of continuing education in mortuary science before renewing licenses; sets requirements for offering continuing education courses. Amends TCA Section 62-5-101 and Title 62, Chapter 5, Part 3. by *Garrett, *Ridgeway. (SB688 by *Ford J)

On motion, House Bill No. 460 was made to conform with **Senate Bill No. 688**; the Senate Bill was substituted for the House Bill.

Rep. Garrett moved that Senate Bill No. 688 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Cross moved the previous question, which motion prevailed.

Rep. Garrett moved that **Senate Bill No. 688** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	82
Noes	7
Present and not voting	7

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry L., Eckles, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Godsey, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jones S., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 82.

Representatives voting no were: Brown, Buck, Cooper, Givens, Goins, Head, Robinson -- 7.

Representatives present and not voting were: Dunn, Fowlkes, Jackson, Jones U., Ritchie, Stamps, Towns -- 7.

A motion to reconsider was tabled.

***House Bill No. 356** -- Aged Persons - Changes threshold for number of meals served at meal sites in remote locations where elderly cannot attend congregate site on consistent basis to average of 20 congregate and home delivered meals day instead of average of 20 congregate meals a day. Amends TCA Title 71, Chapter 2. by *White, *Tidwell, *Naifeh, *Walley. (SB332 by *Springer)

Rep. White moved that House Bill No(s). 356 be reset for the Regular Calendar on Wednesday, May 14, 1997, which motion prevailed.

House Bill No. 1464 -- Election Laws - Permits rearrangement of names on voting machine ballot so machine will accommodate entire ballot. Amends TCA Title 2, Chapter 5, Part 2. by *Jones U (Shelby), *DeBerry J, *Turner (Shelby), *Chumney, *Cooper B, *Towns, *Brooks. (*SB888 by *Dixon)

Further consideration of House Bill No. 1464, previously considered on April 3, 1997, and May 12, 1997, and reset to today's Calendar.

Rep. U. Jones moved that House Bill No(s). 1464 be reset for the Regular Calendar on Wednesday, May 21, 1997, which motion prevailed.

***House Bill No. 1413** -- Child Abuse - Creates Class A misdemeanor for child abuse if child is born addicted to alcohol or drugs and woman, while pregnant, consumed alcohol or used illegal drugs and knew or should have known that consumption or use may result in harm to child. Amends TCA Section 39-15-401. by *Pruitt, *DeBerry L. (SB1693 by *Dixon, *Ford J)

Rep. Pruitt moved that House Bill No. 1413 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 1413 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. (a) Each licensee which sells alcoholic beverages at retail not for consumption on the premises and each licensee which sells alcoholic beverages for consumption on the premises shall post, in a prominent place easily seen by its customers, a warning sign supplied by the alcoholic beverage commission, which meets the requirements of subsections (b) and (c). The signs shall contain a warning that drinking alcoholic beverages during pregnancy can cause birth defects, including fetal alcohol syndrome and fetal alcohol effects.

(b) The alcoholic beverage commission shall prepare the signs required by this section and make them available at no cost to those licensees described in subsection (a) within sixty (60) days following the effective date of this act and when a new license is issued to a person for the sale of alcoholic beverages at retail or for consumption on the premises. The bureau of alcohol and drug abuse services shall assist the alcoholic beverage commission in preparing such signs upon request of the commission.

(c) The signs required by this section shall be composed of black, capital letters printed on white laminated paper at a minimum weight of one hundred ten pound (110) index with lettering not less than one inch (1") high. The letters comprising the word "WARNING" shall be highlighted black lettering.

(d) If the alcoholic beverage commission finds that a licensee has failed to post the sign required by this section, the alcoholic beverage commission shall notify the licensee in writing of the violation. A licensee who fails to post such sign within twenty-four (24) hours of receiving such written notification shall be subject to a civil penalty not to exceed twenty-five dollars (\$25) for each day the licensee is in violation.

SECTION 2. This act shall take effect July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. McAfee moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 1413 by inserting the words "or beer" after the words "alcoholic beverages" in subsection (a) of Section 1 wherever such words appear in sequence.

AND FURTHER AMEND by adding the following language between the first and second sentences of subsection (b) of Section 1:

In addition, the alcoholic beverage commission shall make such signs available to the governing body of each county or incorporated city or town or beer board for distribution to licensees who have obtained a permit from the county and/or city for the sale of beer at retail not for consumption on the premises or for consumption on the premises. In lieu of obtaining signs from the alcoholic beverage commission, a county or incorporated city or town or beer board is authorized to prepare a sign similar to that required pursuant to subsection (c) to be made available at no cost to such persons licensed by the county, incorporated city or town, or beer board.

AND FURTHER AMEND by adding the language ", beer board or other entity regulating the sale of beer in the county or incorporated city or town, as appropriate," in subsection (d) of Section 1 after the words "alcoholic beverage commission" wherever such words appear in sequence.

On motion, Amendment No. 2 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Pruitt moved that **House Bill No. 1413**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes	0
Present and not voting.....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Towns -- 1.

A motion to reconsider was tabled.

***House Bill No. 1212** -- Banks and Financial Institutions - Enacts "Deferred Presentment Services Act." Amends TCA Title 45. by *Fitzhugh, *Curtiss, *Gunnels, *Whitson. (SB1650 by *Rochelle)

Rep. Fitzhugh requested that House Bill No. 1212 be moved to the heel of the Calendar.

House Bill No. 599 -- County Officers - Revises qualifications for sheriffs Amends TCA Section 8-8-102. by *McDonald, *Hargrove, *Rinks, *Westmoreland, *Eckles, *Cole (Carter), *Huskey, *Naifeh, *Rhinehart, *Mumpower, *Godsey, *Bird, *Cole (Dyer), *Cole (Dyer), *Bird, *Godsey. (*SB376 by *Atchley, *Crutchfield)

Rep. McDonald requested that House Bill No. 599 be moved to the heel of the Calendar.

THURSDAY, MAY 8, 1997 -- FORTIETH LEGISLATIVE DAY

House Bill No. 889 -- Traffic Safety - Authorizes youth buses of certain organizations to stop traffic while transporting children. Amends TCA Title 55, Chapter 8. by *Dunn, *Burchett. (*SB500 by *Atchley, *McNally, *Gilbert, *Crowe)

Rep. Dunn moved that House Bill No(s). 889 be reset for the Regular Calendar on Thursday, May 15, 1997, which motion prevailed.

House Bill No. 1705 -- Education, Higher - Deletes dollar cap on student activity fees; removes prohibition on having student referendum within two years of failed referendum on raising fees. Amends TCA Section 49-8-110. by *Godsey, *Hargett. (*SB1649 by *Crowe)

On motion, House Bill No. 1705 was made to conform with **Senate Bill No. 1649**; the Senate Bill was substituted for the House Bill.

Rep. Godsey moved that **Senate Bill No. 1649** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***House Bill No. 1812** -- Interstate Compacts - Enacts "Interstate Contracting for Federal Programs Act." Amends TCA Title 12. by *Wood, *McDaniel, *Stamps, *Davis R. (SB1937 by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe, *Williams)

On motion, House Bill No. 1812 was made to conform with **Senate Bill No. 1937**; the Senate Bill was substituted for the House Bill.

Rep. Wood moved that Senate Bill No. 1937 be passed on third and final consideration.

Rep. Brooks moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1937 by inserting the following as a new, appropriately designated section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. No expenditure of public funds pursuant to this act shall be made in violation of the provisions of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000d.

On motion, Amendment No. 1 was adopted.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Wood moved that **Senate Bill No. 1937**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 983 -- Criminal Offenses - Makes certain changes within the criminal code. Amends TCA Title 39. by *Buck, *Williams (Williamson). (*SB843 by *Ramsey, *Person, *McNally, *Ramsey)

Rep. Buck moved that House Bill No. 983 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 983 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-16-702, is amended by designating the existing language as subsection (b)(1) and by adding the following new (b)(2):

(2) Perjury committed on an application for a handgun carry permit under Tennessee Code Annotated, 39-17-1351 is a Class E felony.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 983**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 32** -- Hospitals and Health Care Facilities - Limits amount hospital can charge to copy patient's medical records to no more than \$10.00 for reports 20 pages or less plus 25 cents for each additional page copied.. Amends TCA Title 56, Title 63 and Title 68. by *Buck, *Pinion. (SB1504 by *Crutchfield, *Kyle)

Rep. Buck moved that House Bill No. 32 be passed on third and final consideration.

THURSDAY, MAY 8, 1997 -- FORTIETH LEGISLATIVE DAY

Rep. Buck requested that Judiciary Committee Amendment No. 1 be moved to the heel of the Amendments.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 32 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-2-102(a), is amended by deleting the following language:

Such reasonable costs shall not exceed ten dollars (\$10.00) for reports twenty (20) pages or less in length and twenty-five cents (\$.25) per page for each page copied after the first twenty (20) pages.

and substituting instead the following:

For other than records involving workers' compensation cases, such reasonable costs shall not exceed twenty dollars (\$20.00) for medical records forty (40) pages or less in length and twenty-five cents (\$.25) per page for each page copied after the first forty (40) pages and the actual cost of mailing. The costs charged for reproducing records of patients involved in a workers' compensation claim shall be as defined in Tennessee Code Annotated, Section 50-6-204(a)(1).

SECTION 2. Tennessee Code Annotated, Section 63-2-102(c), is amended to add the following at the end of the subsection:

Upon payment of the costs described in this section, the patient or a patient's authorized representative, shall have the right to receive the medical records without delay.

SECTION 3. Tennessee Code Annotated, Section 68-11-304(a)(2)(A), is amended to add the following at the end of the subdivision:

Costs charged for medical records shall not exceed the reasonable costs for handling, copying and the actual cost of mailing the records and the reasonable costs described herein shall not include any costs involved with the maintenance and storage of the records nor shall it include any costs which may be from or associated with providing the records to any party other than the patient or the patient's authorized representative.

Any reproduction charges for medical records which are equal or less than the following shall be presumed to be reasonable: a retrieval fee of fifteen dollars (\$15.00) which shall include the first five (5) pages of the medical record and a per page charge of seventy-five cents (\$.75) a page for the sixth (6th) page up to and including the fiftieth (50th) page; of fifty cents (\$.50) a page for the fifty-first (51st) page up to the two hundred fiftieth (250th) page; and of twenty-five cents (\$.25) a page for all pages thereafter. The provisions of this section shall have no further force and effect after July 1, 1998.

SECTION 4. Tennessee Code Annotated, Section 68-11-304(b), is amended by removing the period "." after the word "department" and by adding the following: "and shall be made available to the patient or the patient's authorized representative within a reasonable time after the request".

SECTION 5. The comptroller of the treasury for the state of Tennessee is directed to perform a study to determine the actual costs of providing copies of hospital medical records. Such study report shall be presented to the Senate Commerce Labor and Agriculture Committee and the House Judiciary Committee on or before January 1, 1998.

SECTION 6. This act shall take effect on July 1, 1997, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Boyer moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 32**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

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Representatives voting no were: Caldwell -- 1.

A motion to reconsider was tabled.

House Bill No. 437 -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by *Fowlkes. (*SB510 by *Springer, *Crutchfield)

On motion, House Bill No. 437 was made to conform with **Senate Bill No. 510**; the Senate Bill was substituted for the House Bill.

Rep. Fowlkes moved that Senate Bill No. 510 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No. 1.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 437 by inserting in the first sentence of subsection (g), subdivisions (2), (3) and (4) of the amendatory language of Section 1 the words "providing or" between the words "Any entity" and the words "proposing to provide".

On motion, Amendment No. 2 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 437 by deleting the last sentence in subdivision (g)(3) of the amendatory language in Section 1, as amended, and substituting the following:

The provider shall also obtain one (1) letter of endorsement from either a criminal court or a general sessions judge which shall be filed with the office of the court clerk along with an application form as described in subdivision (g)(d).

On motion, Amendment No. 3 was adopted.

Rep. Fowlkes requested that House Bill No. 437 be moved down 2 places on the Calendar.

THURSDAY, MAY 8, 1997 -- FORTIETH LEGISLATIVE DAY

***House Bill No. 442** -- Taxes, Privilege - Imposes taxes in same amount and manner as any repealed federal taxes, revenue to go to highway trust fund Amends TCA Title 67. by *Fowlkes, *Robinson, *White, *Rinks, *Davis R, *Huskey, *Kent, *Haley, *Turner (Shelby), *Jones U (Shelby). (SB544 by *Haun, *Haynes, *Eisea, *Henry)

Rep. Fowlkes moved that House Bill No(s). 442 be reset for the Regular Calendar on Thursday, May 15, 1997, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 1396 -- Taxes, Real Property - Permits county or municipality to estimate general level of local assessment changes if taxes become due prior to disposition of appeals. Amends TCA Title 67, Chapter 5. by *Tindell, *Dunn, *Burchett, *Boyer, *Bittle, *Ritchie, *Armstrong. (*SB648 by *McNally, *Gilbert, *Atchley, *Crutchfield, *Rochelle, *Ford J)

On motion, House Bill No. 1396 was made to conform with **Senate Bill No. 648**; the Senate Bill was substituted for the House Bill.

Rep. Tindell moved that Senate Bill No. 648 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 648 by deleting the amendatory language of Section 1 and by substituting instead the following:

(5) In calculating the certified tax rate, the governing body of the county or municipality may adjust the calculation, according to a method approved by the state board of equalization, to reflect extraordinary assessment changes anticipated from appeals to the state or local boards of equalization. The state board of equalization shall order recapture of an excessive adjustment in the following year if the certified tax rate is found to have been overstated due to overestimation of the appeals adjustment, and in these cases the jurisdiction may exceed the recapture rate only after public hearing.

On motion, Amendment No. 1 was adopted.

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Rep. Tindell moved that **Senate Bill No. 648**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by *Springer, *Crutchfield. (HB437 by *Fowlkes)

Further consideration of Senate Bill No. 510, previously considered on today's Calendar.

Rep. Fowlkes requested that Senate Bill No. 510 be moved down 3 places on the Calendar.

***House Bill No. 1803** -- Surplus Property - Rewrites surplus property disposition procedures; increases certain monetary limits for fair market values, annual rentals and minimum bonding amounts regarding administration and disposition of state property. Amends TCA Section 4-15-102(f)(2); Section 12-4-201 and Title 12, Chapter 2. Repeals TCA Section 29-17-1203. by *McKee, *McDaniel, *Davis R. (SB1936 by *McNally, *Atchley, *Jordan, *Koella, *Ramsey, *Carter, *Elsea, *Person, *Leatherwood, *Crowe)

Rep. McKee moved that House Bill No(s). 1803 be reset for the Regular Calendar on Wednesday, May 14, 1997, which motion prevailed.

***House Bill No. 700** -- Pharmacy - Allows pharmacists to form buying consortiums for purchase of drugs and other medical equipment and supplies in bulk for resale in pharmacies. Amends TCA Title 63, Chapter 10. by *Eckles. (SB1059 by *Womack, *Haun, *Carter, *Crowe, *Davis L, *Dixon, *Elsea, *Koella, *Herron)

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On motion, House Bill No. 700 was made to conform with **Senate Bill No. 1059**; the Senate Bill was substituted for the House Bill.

Rep. Eckles moved that Senate Bill No. 1059 be passed on third and final consideration.

On motion, Rep. Armstrong withdrew Health & Human Resources Committee Amendment No. 1.

On motion, Rep. Armstrong withdrew Health & Human Committee Amendment No. 2.

Rep. Eckles moved that **Senate Bill No. 1059** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

House Bill No. 790 -- Private Protective Services - Requires chief law enforcement officers to notify commissioner of commerce and insurance within ten business days that person has been denied permit to carry firearm. Amends TCA Title 49, Chapter 7 and Title 62, Chapter 35. by *Langster. (*SB606 by *Henry)

On motion, House Bill No. 790 was made to conform with **Senate Bill No. 606**; the Senate Bill was substituted for the House Bill.

Rep. Langster moved that Senate Bill No. 606 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Langster moved that **Senate Bill No. 606** be passed on third and final consideration, which motion prevailed by the following vote:

THURSDAY, MAY 8, 1997 -- FORTIETH LEGISLATIVE DAY

Ayes..... 99
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

***Senate Bill No. 510** -- Probation - Establishes standards for private contractors who supervise misdemeanor probationers Amends TCA Section 40-35-302. by *Springer, *Crutchfield. (HB437 by *Fowlkes)

Further consideration of Senate Bill No. 510, previously considered on today's Calendar.

Rep. Fowlkes moved that Senate Bill No(s). 510 be reset for the Regular Calendar on Wednesday, May 14, 1997, which motion prevailed.

***House Joint Resolution No. 207** -- Memorials, Government Officials - Requests governor and department of environment and conservation to take certain actions regarding incinerator at Oak Ridge. by *Cross.

Rep. Cross moved adoption of House Joint Resolution No. 207.

Rep. Cross moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 207 by deleting from the first clause of the preamble the language "Energy and Natural Resources" and by substituting instead the language "Environment, Conservation and Tourism".

AND FURTHER AMEND by deleting the first resolving clause in its entirety and by substituting instead the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the United States Department of Energy is requested to fund an independent task force appointed by the Governor to continue the investigation of health and safety issues concerning the TSCA Incinerator located at the K-25 Facility on the Oak Ridge Reservation. The Task Force will report its recommendations to the Governor, the House Conservation and Environment Committee, the Senate Environment, Conservation and Tourism Committee and other appropriate state officials, local officials and citizens.

AND FURTHER AMEND by deleting the language "Martin-Lockheed" in the last resolving clause and by substituting instead the language "Lockheed-Martin".

On motion, Amendment No. 1 was adopted.

Rep. Cross moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Joint Resolution No. 207 by adding after the third resolving clause the following:

BE IT FURTHER RESOLVED, That the United States Department of Energy shall submit reports on the monitoring of smokestack emissions to the house conservation and environment committee and the senate conservation and environment committee.

On motion, Amendment No. 2 was adopted.

Rep. Cross moved adoption of House Joint Resolution No. 207, as amended, which motion prevailed by the following vote:

Ayes..... 99
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. Kisber, **House Bill No. 873** was recalled from the Calendar & Rules Committee and withdrawn from the House.

REGULAR CALENDAR, CONTINUED

***House Bill No. 1212** -- Banks and Financial Institutions - Enacts "Deferred Presentment Services Act." Amends TCA Title 45. by *Fitzhugh, *Curtiss, *Gunnels, *Whitson. (SB1650 by *Rochelle)

Further consideration of House Bill No. 1212, previously considered on today's Calendar.

On motion, House Bill No. 1212 was made to conform with **Senate Bill No. 1650**; the Senate Bill was substituted for the House Bill.

Rep. Fitzhugh moved that Senate Bill No. 1650 be passed on third and final consideration.

Rep. Fitzhugh moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1650 by deleting Section 12 in its entirety.

AND FURTHER AMEND by deleting from the first sentence of Section 14(g) the language "amounts and conditions of the imposition of any bad check charges,".

AND FURTHER AMEND by adding the following new section to be appropriately designated:

SECTION ____.

(a) Each licensee shall file an annual report with the commissioner by September 1 of each year, containing the following information:

(1) The names and addresses of persons owning controlling interest in each licensee;

(2) The location of all places of business operated by the licensee and the nature of the business conducted at each location;

(3) The names and addresses of all affiliated entities regulated under Tennessee Code Annotated, Title 45, doing business in this state;

(4) Balance sheets, statements of income and expense, and such other statistical information as may be reasonably required by the commissioner, consistent with general accepted accounting practices, for the purpose of determining the general results of operations under this chapter; and

(5) If the licensee is a corporation, the names and addresses of its officers and directors, or if the licensee is a partnership, the names and addresses of the partners, or if the licensee is a limited liability company, the names and addresses of the board of governors of the limited liability company.

(b) If the licensee holds two (2) or more licenses or is affiliated with other licensees, a composite report may be filed, but may not be required.

(c) All such reports shall be filed in such form as may reasonably be required by the commissioner and shall be sworn to by a responsible officer of the licensee.

(d) The information submitted by licensees pursuant to this section shall be afforded the same degree of confidentiality by the department and the commissioner as is applicable to reports filed by industrial loan and thrift companies pursuant to Tennessee Code Annotated, Section 45-5-503.

(e) The commissioner shall prepare and submit to the governor and general assembly, annually, an analysis and recapitulation of such reports for the preceding calendar year for the purpose of reflecting the general results of operations under this chapter.

On motion, Amendment No. 2 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as House Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 1650 by deleting subdivisions (1) and (2) from Section 14(b) and substituting instead the following:

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- (1) Fifteen percent (15%) of the face amount of the check; or
- (2) Thirty dollars (\$30). Such fee, when made and collected, shall not be deemed interest for any purpose of law.

On motion, Amendment No. 3 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4 as follows:

Amendment No. 4

AMEND Senate Bill No. 1650 by deleting the effective date section, in its entirety, and by substituting instead the following language:

SECTION 22. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect October 1, 1997, the public welfare requiring it, and shall be repealed at 12:01 a.m. October 1, 1999.

On motion, Amendment No. 4 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 2 as House Amendment No. 5 as follows:

Amendment No. 5

AMEND Senate Bill No. 1650 by adding the following at the end of Section 14(g):

The department of financial institutions shall promulgate rules requiring each licensee to issue a standardized consumer notification and disclosure form in compliance with federal truth-in-lending laws prior to entering into any deferred presentment transaction. The required style, content and method of executing the form shall be specifically prescribed by the rules and shall be designed to ensure that the consumer, prior to entering into a deferred presentment transaction, receives and acknowledges an accurate and complete notification and disclosure of the itemized and total amounts of all fees and other costs that will or potentially could be imposed as a result of such agreement. Enactment of this subsection shall not create any inference that a particular method of disclosure was required prior to the effective date of this act.

Rep. Ritchie moved that Senate Bill No. 1650 be re-referred to the Committee on Calendar & Rules.

Rep. Fitzhugh moved that the motion to re-refer be tabled, which motion prevailed by the following vote:

Ayes.....69
Noes27

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Caldwell, Clabough, Cole (Carter), Cole (Dyer), Cross, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Phelan, Phillips, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Sands, Sargent, Stamps, Tidwell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 69.

Representatives voting no were: Arriola, Bowers, Brown, Chumney, Cooper, Davidson, Ford, Givens, Haley, Hassell, Jackson, Jones S., Lewis, McMillan, Odom, Patton, Pinion, Ridgeway, Ritchie, Robinson, Scroggs, Sharp, Stulce, Tindell, West, Williams, Wood -- 27.

Rep. Head moved the previous question on Amendment No. 5, which motion prevailed.

On motion, Amendment No. 5 was adopted.

Rep. Fowlkes moved adoption of Amendment No. 6 as follows:

Amendment No. 6

AMEND Senate Bill No. 1650 by adding at the end of Section 14(q) the following:

A transaction entered into in violation of this subsection is void and unenforceable in law or equity.

Rep. Walker moved the previous question on Amendment No. 6, which motion prevailed.

On motion, Amendment No. 6 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed by the following vote:

Ayes.....67
Noes24
Present and not voting.....1

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Boyer, Brooks, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Kent, Kerr, Kisber, Langster, Maddox, McAfee, McKee, Miller, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Rhinehart, Rinks, Roach, Sands, Sargent, Scroggs, Stulce, Tidwell, Turner

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(Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Windle, Winningham -- 67.

Representatives voting no were: Arriola, Beavers, Bowers, Chumney, Davidson, Givens, Jackson, Jones S., Jones U., Lewis, McDonald, McMillan, Odom, Phillips, Pruitt, Ridgeway, Ritchie, Robinson, Sharp, Stamps, Tindell, Towns, West, Wood -- 24.

Representatives present and not voting were: Kernell -- 1.

Rep. Fitzhugh moved that **Senate Bill No. 1650**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	70
Noes	25
Present and not voting	1

Representatives voting aye were: Armstrong, Bird, Bittle, Bone, Boner, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Godsey, Goins, Gunnels, Hargett, Hargrove, Head, Hicks, Hood, Jones U., Kent, Kernell, Kerr, Langster, Maddox, McAfee, McKee, Miller, Mumpower, Newton, Patton, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Rinks, Roach, Sands, Sargent, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker, Walley, Westmoreland, White, Whitson, Windle, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Arriola, Beavers, Chumney, Davidson, Givens, Haley, Halteman-Harwell, Hassell, Jackson, Jones S., Kisber, Lewis, McDaniel, McDonald, McMillan, Odom, Phillips, Ridgeway, Ritchie, Robinson, Scroggs, Towns, West, Williams, Wood -- 25.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

House Bill No. 599 -- County Officers - Revises qualifications for sheriffs Amends TCA Section 8-8-102. by *McDonald, *Hargrove, *Rinks, *Westmoreland, *Eckles, *Cole (Carter), *Huskey, *Naifeh, *Rhinehart, *Mumpower, *Godsey, *Bird, *Cole (Dyer), *Cole (Dyer), *Bird, *Godsey. (*SB376 by *Atchley, *Crutchfield)

Further consideration of House Bill No. 599, previously considered on today's Calendar.

Rep. McDonald moved that House Bill No. 599 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 599 by deleting all language following the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 8-8-102, is amended by adding the following at the end of subsection (a):

The requirements of subsection (a) of this section shall apply to any person who holds the office of sheriff on the effective date of this act and shall apply for as long as the person remains in continuous service in the office of sheriff. Once this continuous service has been concluded, the person shall meet the requirements of subsection (b) of this section in order to qualify for any subsequent election or appointment to the office of sheriff.

Section 2. Tennessee Code Annotated, Section 8-8-102, is amended by deleting Subsection (b) in its entirety and by substituting instead the following:

(b) To qualify for election or appointment to the office of sheriff a person shall:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-five (25) years of age prior to the date of qualifying for election;
- (3) Be a qualified voter of the county;
- (4) Have obtained a high school diploma or its equivalent in educational training as recognized by the Tennessee state board of education;
- (5) Not have been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge or any violation of any federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances; a misdemeanor crime of domestic violence; or placed under an order of protection from any court;
- (6) Be fingerprinted and have the Tennessee Bureau of Investigation make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the Tennessee Bureau of Investigation. It shall be the responsibility of the T.B.I. to forward all criminal history results to the POST Commission for evaluation of qualifications;

(7) Not have been released or discharged from the armed forces of the United States with any discharge other than an honorable discharge;

(8) Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM III) or its successor, of the American Psychiatric Association; and

(9) Possess a current and valid peace officer certification as issued by the Tennessee Peace Officer Standards and Training Commission as provided in Section 38-8-107, as defined in Chapter 8 of Title 38, within twelve (12) months prior to the close of qualification for the election for the office of sheriff.

In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for the office of sheriff shall be presented to the POST commission for approval to take the POST certification examination, provided all requirements are met as set forth in subdivisions (1) through (8) of this subsection and those set by the commission.

The provisions of this subdivision shall not apply in any county having a metropolitan form of government where the sheriff does not have law enforcement powers.

(10) The provisions of this subsection shall not apply to any person who holds the office of sheriff on the effective date of this act. The provisions of this subsection shall only apply to persons elected or appointed to a first term to the office of sheriff after the effective date of this act and shall apply for so long as such persons remain in continuous service in the office of sheriff.

(c) Any person seeking the office of sheriff shall file with the Peace Officer Standards and Training Commission, either prior to the qualification deadline for such office, or after filing the qualifying petition for such office, an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section. If such affidavit is not filed with the POST commission by the withdrawal deadline for the office of sheriff, such candidate's name shall not be placed on the ballot. The Peace Officer Standards and Training Commission shall verify POST certification on any person seeking the office of sheriff who meets these provisions. The original notarized verification form from POST, along with such person's nominating petition shall be filed with the county election

commission. In the event that a person seeks election to the office of sheriff by the county legislative body to fill a vacancy in office, such verification must be filed with the county clerk prior to the election.

(d)(1) Every sheriff who is elected or appointed to a first term after the effective date of this act shall be required to complete a training session of no less than forty (40) hours in his or her first term. This training course shall be taught at the Tennessee Law Enforcement Training Academy. The curriculum shall be developed by the Tennessee Sheriff's Association and approved by the Tennessee Peace Officer Standards and Training Commission. Any such sheriff who does not fulfill the obligations of this training session shall lose his or her powers of arrest.

Thereafter, these sheriffs shall annually attend a forty (40) hour in-service training course appropriate for their rank and responsibilities.

(2) Every person who holds the office of sheriff on the effective date of this act shall annually attend a forty (40) hour in-service training course appropriate for their rank and responsibilities.

Section 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

Section 4. The provisions of this act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Stulce moved that Amendment No. 1 to Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Stulce moved to amend as follows:

Amendment No. 2 to Amendment No. 1

AMEND House Bill No. 599 by deleting subsection (b)(7) from the amendatory language of Section 2, and by substituting instead the following:

(7) Not have been released, separated or discharged from the armed forces of the United States with a Dishonorable or Bad Conduct discharge, or as a consequence of conviction at court martial for either state or federal offenses.

On motion, Amendment No. 2 to Amendment No. 1 was adopted.

On motion, Amendment No. 1, as amended, was adopted.

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Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 599 by adding the following language as a new subsection (e) at the end of Section 2:

(e) Notwithstanding any provision of this act to the contrary, a current and valid peace officer certification issued by the Tennessee peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the POST commission is not a requirement for a person to initially qualify for election to the office of sheriff. However, if such a person qualifies to run for the office of sheriff and is elected to the office, such person shall be required to enroll in the first recruit training program offered by the Tennessee law enforcement training academy available to such person after taking office. Any cost associated with obtaining such POST certification shall be paid by the county. For such person to qualify for the office of sheriff in any subsequent election, the person must have completed such recruit training program and have obtained POST certification during such person's first term of office as sheriff.

On motion, Amendment No. 2 was adopted.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 599 by designating subsection (e), as amended by House State & Local Government Committee Amendment No. 2, as subsection (e)(1), and by adding the following language to subsection (e) to be designated as (e)(2) and (3) accordingly:

(2) If, pursuant to subdivision (1), a person is elected to the office of sheriff, and the person does not possess a current and valid peace officer certification, upon taking office the salary of such person shall be fifteen percent (15%) less than the salary of a person initially elected to the office of sheriff who does possess a current and valid certification; provided, however, if during the first year in office, such person completes the recruit training program and obtains certification, the salary of such person shall, as a matter of law, automatically be raised the month following the date certification is obtained to the level of other persons initially elected to the office of sheriff who are certified. However, if such person does not complete the recruit training program and obtain certification during the person's first year in office, then the following reduction in salary shall occur as a matter of law, until such person obtains certification:

(A) During the second year in office, the salary shall be twenty percent (20%) less than the salary of a first-term sheriff who is certified;

(B) During the third year in office, the salary shall be twenty-five percent (25%) less than the salary of a first-term sheriff who is certified; and

(C) During the fourth year in office, the salary shall be thirty percent (30%) less than the salary of a first-term sheriff who is certified.

Notwithstanding such salary schedule, the salary shall, as a matter of law, be automatically raised the month following the date certification is obtained to the level of a first-term sheriff who is certified.

(3) As used in this subsection the term "certification" or "certified" means a current and valid peace officer certification issued by the Tennessee peace officer standards and training commission or training that is approved by or meets the standard on minimum hours required to be certified by the Tennessee peace officer standards and training commission.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 3 was adopted.

Rep. Kernell moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Buck moved that Amendment No. 5 be withdrawn, which motion prevailed.

Rep. Kernell moved that Amendment No. 6 be withdrawn, which motion prevailed.

Rep. Kernell moved that Amendment No. 7 be withdrawn, which motion prevailed.

Rep. U. Jones moved the previous question, which motion prevailed.

Rep. McDonald moved that **House Bill No. 599**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	96
Noes	1
Present and not voting	2

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Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Windle -- 1.

Representatives present and not voting were: Sharp, Winningham -- 2.

A motion to reconsider was tabled.

MESSAGE CALENDAR

House Bill No. 1052 -- Domestic Violence - Permits court ordered mediation where order of protection in effect or where allegation of domestic violence but order of protection not in effect if victim requests mediation, mediator is certified and advocate for victim may be present. Amends TCA Title 36, by *McMillan, *Eckles, *Chumney, *Turner (Hamilton), *Pleasant, *Haley, *Hargett, *Patton, *Ford S, *Jackson. (*SB793 by *Burks, *Cohen, *Davis L, *Dixon, *Crowe, *Harper)

Rep. McMillan moved that House Bill No(s). 1052 be reset for the Message Calendar on Monday, May 12, 1997, which motion prevailed.

UNFINISHED BUSINESS

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 1055: Rep(s). Boner as prime sponsor(s).

House Bill No. 1402: Rep(s). Kernell as prime sponsor(s).

House Bill No. 1601: Rep(s). Fraley and Bittle as prime sponsor(s).

House Bill No. 1660: Rep(s). Boner and Ford as prime sponsor(s).

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House Bill No. 1922: Rep(s). Godsey as prime sponsor(s).

SPONSORS REMOVED

On motion, Rep(s). Maddox was/were removed as sponsor(s) of **House Bill No. 1823**.

On motion, Rep(s). White was/were removed as sponsor(s) of **House Bill No. 442**.

ENROLLED BILLS

May 8, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 221, 223 and 235; also, House Resolution(s) No(s). 73.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 8, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 221, 223 and 235; also, House Resolution(s) No(s).73.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 8, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 228, 232, 233, 234, 237 and 239; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 8, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bills(s) No(s). 267, 368, 494, 849, 1208, 1524, 1531, 1848, 1982, 1987 and 1989.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

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SIGNED
May 8, 1997

The Speaker signed the following: House Bill(s) No(s). 267, 368, 494, 849, 1208, 1524, 1531, 1848, 1982, 1987 and 1989.

BETTY KAY FRANCIS, Chief Engraving Clerk.

MESSAGE FROM THE GOVERNOR
May 8, 1997

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1121, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

MESSAGE FROM THE SENATE
May 8, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1714; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 1714 -- State Employees - Revises provisions for public and university employee insurance. Amends TCA Title 27, Chapter 8. by *Atchley.

MESSAGE FROM THE SENATE
May 8, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 77; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS
May 8, 1997

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 32, 258, 795, 983 and 1413, also, House Joint Resolution(s) No(s). 207, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 266, 267, 268, 270, 271, 273, 274, 275, 276 and 277.

BETTY KAY FRANCIS, Chief Engraving Clerk.

MESSAGE FROM THE SENATE
May 8, 1997

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1056; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

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MESSAGE FROM THE SENATE

May 8, 1997

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 22. The resolution passed three readings in the Senate by two-thirds vote in accordance with Article XI, Section 3, Constitution of the State of Tennessee.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENROLLED BILLS

May 8, 1997

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 22, 77, 228, 232, 233, 234, 237 and 239; also, House Resolution(s) No(s). 64 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 8, 1997

The Speaker signed the following: House Joint Resolution(s) No(s). 22, 77, 228, 232, 233, 234, 237 and 239; also, House Resolution(s) No(s). 64 and 74.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

May 8, 1997

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 599.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 8, 1997

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 695, 765, 1073, 1343, 1718, 1756, 1783 and 1944; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 695** -- Hazardous Materials - Prohibits locating hazardous waste facility less than 1,500 feet from residential, day care, church, park or school property; includes location of hazardous waste facilities to areas which the board oversees. Amends TCA Title 68, Chapter 212. by *Dixon, *Gilbert, *Harper.

***Senate Bill No. 765** -- Pensions and Retirement Benefits - Makes state pension moneys, certain retirement plan funds or assets subject to claims of domestic courts. Amends TCA Title 8, Chapter 36 and Title 26, Chapter 2. by *Atchley.

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Senate Bill No. 1073 -- Motor Vehicles, Titling and Registration - Authorizes county clerks to provide county name strip to county residents purchasing vehicle out of county of residence. Amends TCA Title 55. by *Haynes.

***Senate Bill No. 1343** -- Drugs - Authorizes physicians to prescribe fenfluramine, its salts and isomers, and phentermine for medically accepted purposes. Amends TCA Title 39, Chapter 17, Part 4 and Title 63, Chapter 6, Part 2. by *Cooper, *Gilbert, *Koella, *Atchley, *Cohen, *Miller J.

***Senate Bill No. 1718** -- Privacy, Confidentiality - Makes confidential communications related to certain mental health intervention techniques using group setting. Amends TCA Title 10; Title 33 and Title 63. by *Kyle.

***Senate Bill No. 1756** -- Criminal Procedure - Encourages supreme court to permit, in appropriate cases, use of videotape equipment and recordings during preliminary stages preceding trial for any criminal offense. Amends TCA Title 16 and Title 40. by *Ramsey.

***Senate Bill No. 1783** -- Disabled Persons - Revises provisions relative to disabled drivers, passengers and volunteers enforcing disabled parking privileges. Amends TCA Title 55, Chapter 21. by *Jordan.

Senate Bill No. 1944 -- Taxes, Sales - Restates public policy justification for commissioner of revenue's expenditures for sales and use taxes enforcement. Amends TCA Title 67, Chapter 6. by *McNally, *Atchley, *Elsea, *Leatherwood, *Crowe.

CONSENT CALENDAR

May 8, 1997

The following local bills have been placed on the Consent Calendar for **May 12, 1997**: House Bill(s) No(s). 1990, 1991, 1992, 1993, 1994 and 1015.

ROLL CALL

The roll call was taken with the following results:

Present 99

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

THURSDAY, MAY 8, 1997 -- FORTIETH LEGISLATIVE DAY

RECESS MOTION

On motion of Rep. Hargrove, the House recessed until 5:00 p.m., Monday, May 12, 1997.